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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/528,823 | 03/20/2000 | Hiroaki Sato | FUJY 17.160 | 6313 |

7590 06/26/2003

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, NY 10022-2585

EXAMINER

CHUNG, JASON J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2611

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/528,823

Applicant(s)

SATO ET AL.

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: Line 9 of the claim 1 states, "said bidirectional amplifiers". There is no antecedence for "bidirectional amplifiers".

The examiner interprets line 9 to state, "said at least one bidirectional amplifier".

Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities: There are numerous errors in the specification such as on page 14, line 7, 'RF' is stated twice as well as 'AC'. The examiner requests the applicant to proofread the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Gresko.

Regarding claim 1, Gresko discloses the invention is applicable to cable television lines (column 1, lines 10-14, column 2, lines 35-38). Gresko discloses amplifiers and other equipment

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in a CATV transmission system (column 1, line 18-39). Gresko discloses that both the power and the signal flow are bidirection (column 1, lines 61-67). Furthermore, Gresko discloses in that current flow is bi-directional (column 4, lines 20-23), which meets the limitation on bidirectional.

Gresko discloses a CATV power inserter (bias voltage superposing means) (column 2, lines 35-42), which meets the limitation on bias voltage superposing means. Gresko discloses the power inserter coupling to the RF signal jacks (column 3, lines 25-35), which meets the limitation on a bias voltage superposing means.

Gresko discloses low pass filters has an inductor and capacitor and the passive filters are well known in the art (column 3, lines 44-column 4, line 14), which meets the limitation on bias current adjusting load means.

Regarding claim 4, Gresko discloses low pass filters has an inductor and capacitor (column 3, lines 44-column 4, line 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gresko.

Regarding claim 3, as disclosed in claims 1 and 4 rejections, Gresko discloses passive filtering means and the filter comprising a capacitor and inductor (column 3, line 44-column 4,

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line 14). Gresko discloses passive filtering means are well understood. Gresko fails to disclose the passive filter comprising of a resistor. Schwager discloses LC and RC (resistor) circuits are interchangeable for passive filtering and the filter is adjustable (column 4, line 54-column 5, line 16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gresko to use a RC (resistor) circuit instead of an LC circuit for filtering as taught by Schwager in order to filter out harmonic components.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davis discloses an amplifier with a variable attenuator (bias current adjuster) in US Patent # 5,977,831. Matsuo discloses an amplifier with a variable attenuator (bias current adjuster) in US Patent # 5,956,075. Spriester discloses superposing a bias voltage on a RF signal in a CATV distribution system in US Patent # 5,581,801. Pan discloses superposing a bias voltage on a RF signal in a CATV system and a LC filter (bias current adjuster) in US Patent # 6,067,441. Brickell discloses an amplifier with a variable attenuator (bias current adjuster) in US Patent # 6,530,088. West discloses an amplifier with a variable attenuator (bias current adjuster) in US Patent # 5,109,286.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the

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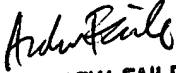
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organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

JJC

June 16, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600